

NICHOLAS A. TRUTANICH
United States Attorney
District of Nevada
Nevada Bar Number 13644
ALEXANDRA MICHAEL
Assistant United States Attorney
501 Las Vegas Blvd., South, Ste. 1100
Las Vegas, Nevada 89101
(702) 388-6336 / Fax: (702) 388-6418
Alexandra.m.michael@usdoj.gov

Representing the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE BUENROSTRO,

Defendant.

Case No. 2:17-cr-00267-APG-GWF

**STIPULATION TO CONTINUE
EVIDENTIARY HEARING ON
DEFENDANT'S MOTION TO SUPPRESS
(Third Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between, the United States of America, through the undersigned, together with Crane Pomerantz, Esq., counsel for defendant JOSE BUENROSTRO, that the Evidentiary Hearing on Defendant's Motion to Suppress currently set for May 15, 2019 at 9:30 a.m. be vacated and continued until May 29, 2019.

This stipulation is entered for the following reasons:

1. An essential witness for the evidentiary hearing, retired DEA Agent Mabey, will be out of the state from May 12, 2019 – May 27, 2019 and thus is unavailable for the current setting.
2. The parties agree to the continuance.
3. The defendant is currently in custody and agrees to the continuance.

1 4. For the reasons stated above, the ends of justice would best be served by a
2 continuance of the government's response deadline and evidentiary hearing.

3 5. The additional time requested by this stipulation is made in good faith and
4 not for purposes of delay.

5 6. Additionally, denial of this request for continuance could result in a
6 miscarriage of justice.

7 7. The additional time requested by this stipulation is excludable in computing
8 the time within which the trial herein must commence pursuant to the Speedy
9 Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and 3161(h)(7)
10 and Title 18, United States Code, Section 3161(h)(7)(A) when considering the
11 factors under Title 18, United States Code, Sections 3161(h)(7)(B),
12 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv).

13 8. This is the third request for a continuance.
14
15
16

17 Dated this 14th day of May, 2019

18 NICHOLAS A. TRUTANICH
19 United States Attorney

20 /s/_____
21 ALEXANDRA MICHAEL
Assistant United States Attorney

 /s/_____
CRANE POMERANTZ
Counsel for Defendant JOSE BUENROSTRO

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE BUENROSTRO,

Defendant.

Case No. 2:17-cr-00267-APG-GWF

**ORDER GRANTING STIPULATION TO
CONTINUE EVIDENTIARY HEARING
ON DEFENDANT'S MOTION TO
SUPPRESS**

FINDING OF FACTS

This stipulation is entered for the following reasons:

1. An essential witness for the evidentiary hearing, retired DEA Agent Mabey, will be out of the state from May 12, 2019 – May 27, 2019 and thus is unavailable for the current setting.
2. The parties agree to the continuance.
3. The defendant is currently in custody and agrees to the continuance.
4. For the reasons stated above, the ends of justice would best be served by a continuance of the government's response deadline and evidentiary hearing.
5. The additional time requested by this stipulation is made in good faith and not for purposes of delay.
6. Additionally, denial of this request for continuance could result in a miscarriage of justice.
7. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and 3161(h)(7)

1 and Title 18, United States Code, Section 3161(h)(7)(A) when considering the
2 factors under Title 18, United States Code, Sections 3161(h)(7)(B),
3 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv).
4

5 8. This is the third request for a continuance.

6 **ORDER**

7 Based on the pending Stipulation of counsel, and good cause appearing therefore, **IT**
8 **IS HEREBY ORDERED**, that the Evidentiary Hearing for Defendant's Motion to
9 Suppress, currently set for May 15, 2019 at 9:30 a.m., be vacated and continued until
10 May 29 , 2019 at 9:30 A.M.
11

12
13 
14

15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28